

**REMARKS**

The present application includes claims 1-22. Claims 1-22 have been rejected by the Examiner. By this response, claim 3 has been amended.

Claims 1-3, 5-9, 11-19, and 21-22 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Funda et al. (U.S. Patent No. 5,417,210) in view of Gaughan et al. (U.S. Patent No. 5,589,893). The Applicant traverses this rejection for at least the following reasons.

Funda relates to an endoscopic surgery system and method. In endoscopic surgery, positional information is determined about a designated anatomical feature which is hidden within a patient's body. The information is used to position surgical instruments in the body with respect to the anatomical feature. See col. 3, lines 55-61. The system of Funda includes a stereoscopic display of the patient's anatomy during the surgical procedure. A surgeon can manipulate a cursor on the stereoscopic display. See col. 9, lines 59-65. A joystick, a trackball, or voice may be used to move the cursor. See col. 9, line 65 – col. 7, line 2.

Thus, the system of Funda may include a trackball, but that trackball is simply used to move the cursor on the screen, rather than to control functionality on the screen, let alone functionality of the imaging system. As noted by the Examiner, Funda does not disclose that the trackball remotely controls the imaging system.

As previously discussed, Gaughan relates to an on-screen remote control of a television receiver. See, e.g., Abstract. Gaughan does not relate to a medical diagnostic imaging system. Gaughan has no applicability to a diagnostic imaging system. Furthermore, Gaughan does not teach or suggest use in a medical diagnostic imaging system environment. Rather, Gaughan discusses a remote control that allowed a user to control a television screen. See, e.g., Abstract.

While a medical diagnostic imaging system includes a display, the display is not a medical diagnostic imaging system. Nor is the display an imaging system, in the sense that an imaging system is a system that obtains an image of an object. A television or other display simply displays an image or picture that has already been obtained.

As previously stated, even if one were to argue that a person in the imaging system art would look to the television control of Gaughan for guidance, absent any hindsight analysis, Gaughan fails to disclose the control recited in the presently pending claims. That is, movement of the trackball in Gaughan simply moves a cursor in a viewing screen, rather than executing a command. Col. 4, line 40 – col. 5, line 11. As discussed in Gaughan, the trackball produces X and Y coordinate or displacement information in response to the rotational movement of the trackball. See, e.g., col. 2, line 65 – col. 3, line 2; col. 3, lines 30-59; and col. 4, lines 63-65. This X, Y coordinate information is used to move the cursor on the screen, rather than trigger other functions to control the machine by virtual of the trackball motion. In fact, Gaughan states that a switch and/or keyboard on the trackball is used for function key control of different television functions. See, e.g., col. 3, lines 2-8 and col. 5, lines 1-7. Activation of functions and/or other control is clearly distinct from the trackball motion or rotation and is separately activated by switch and/or key depression by the user. In contrast, the presently pending claims recite generating a command through translation of the trackball motion and executing that command at a medical diagnostic imaging system. Claim 1 further specifies that the command adjusts a setting of function of the medical diagnostic imaging system. Claim 3 has been amended to clarifying that clicking of the trackball is a separate action from the motion of the trackball itself.

Thus, for at least these reasons, the Applicant submits that neither Funda nor Gaughan, taken alone or in theoretical combination, teaches or reasonably suggests all the limitations of claims 1-3, 5-9, 11-19, and 21-22.

Claims 4 and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Funda in view of Gaughan and further in view of Chang (U.S. Patent No. 5,298,919). The Applicant respectfully traverses this rejection for at least the reasons discussed below.

As discussed above, neither Funda nor Gaughan, alone or in combination, teaches or reasonably suggests the limitations of independent claims 1 or 7, from which claims 4 and 10 depend, respectively. Additionally, as noted by the Examiner, neither Funda nor Gaughan discloses the added limitations of claims 4 and 10.

While Chang discloses a wheel in a computer mouse, Chang does not disclose or envision the particular arrangement claimed in claims 4 and 10. Chang does nothing to cure the fundamental defects of Funda and Gaughan with respect to the previously claimed invention. Chang has no disclosure of a medical diagnostic imaging system or control of a system through trackball movement to help fill the gaps in Funda and Gaughan. Therefore, the Applicant respectfully submits that claims 4 and 10 are allowable for at least the reasons stated above.

Claim 20 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Funda in view of Gaughan and further in view of Holmes. The Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, neither Funda nor Gaughan, alone or in combination, teaches or reasonably suggests the limitations of independent claim 13, from which claim 20 depends.

Additionally, as noted by the Examiner, neither Funda nor Gaughan discloses the added limitation of claim 20.

Holmes bears no relation to a medical diagnostic imaging system but instead discusses a hand held ergonomic computer controller. See, e.g., Abstract. While Holmes discloses a trackball mounted in its particular hand held ergonomic computer controller, Holmes does not provide disclose to remedy the many defects found in Funda and Gaughan with respect to independent claim 13 and dependent claim 20, including translation of trackball movement into a command for execution at the medical diagnostic imaging system. Therefore, the Applicant respectfully submits that claim 20 is allowable for at least the reasons stated above.

Therefore, the Applicant respectfully submits that the Examiner's rejections have been overcome, and the claims should be allowed over the cited art of record.

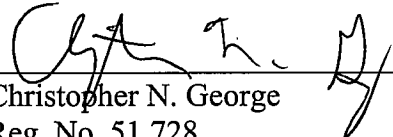
**CONCLUSION**

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of GTC, Account No. 070845.

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Respectfully submitted,

  
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Christopher N. George  
Reg. No. 51,728

McAndrews, Held & Malloy, Ltd.  
34<sup>th</sup> Floor  
500 West Madison Street  
Chicago, Illinois 60661  
Telephone: (312) 775-8000  
Facsimile: (312) 775-8100